

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN MICHAEL RYAN,
Plaintiff,

v.

PRIYANTHA
WIJYAGUNARATNE, JOSHUA
A. BUSKIRK, ADAM
KANDUSKI, and MICHAEL P.
MILLETTE,
Defendants.

Case No. 22-13002

Sean F. Cox
Chief United States District Judge

Curtis Ivy, Jr.
United States Magistrate Judge

AMENDED ORDER FOR NEW ADDRESS AND DIRECTING SERVICE
BY USMS

This case is before the Court on issues concerning service of the complaint. On March 27, 2023, the United States Marshals Service (“USMS”) acknowledged receipt of the waiver of service documents for the four remaining defendants. (ECF No. 14). On May 11, 2023, the service packet mailed to Defendant Priyantha Wijyagunaratne was returned as undeliverable. The envelope indicates this Defendant could not be found in the system. (ECF No. 16). Waivers of service have not been returned for the other three defendants.

Plaintiff is **ORDERED** to provide the Court with a new address for Wijyagunaratne so that service of the summons and complaint may be completed. Plaintiff is warned that the onus remains on him to discover and submit sufficient

information for service on the defendant and if the USMS cannot effectuate service Plaintiff will need to show good cause why this action should not be dismissed without prejudice as to the unserved Defendants for failure to timely serve under Rule 4(m) and/or for failure to prosecute under Rule 41(b). Plaintiff must provide an updated address **on or before June 16, 2023**.

The remaining three defendants (Buskirk, Kanduski, and Millette) have not waived formal service of the summons and complaint. At this point, there is no evidence that the addresses given by Plaintiff are not good addresses for them. USMS is **DIRECTED** to serve these defendants by mailing a copy of the summons and complaint in accordance with the Michigan Court Rules for service of process. The summons and complaint must be mailed to the Defendants by registered or certified mail, **return receipt requested, and delivery restricted to the addressee**. Mich. Ct. R. 2.105(A). Plaintiff alleges these Defendants may be located at 9625 Pierce Road, Freeland, Michigan 48623.

The summons is extended 60 days. Plaintiff is again cautioned that if the USMS cannot effectuate service on the Defendants with the information provided, the onus remains on Plaintiff to discover and submit sufficient information for service of the Defendants he has named in his lawsuit.

IT IS SO ORDERED.

The parties here may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in effect unless it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: May 16, 2023

s/Curtis Ivy, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System or by First Class U.S. mail on May 16, 2023.

s/Kristen MacKay
Case Manager
(810) 341-7850